

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7647

NEW YORK OFFICE
919 THIRD AVENUE
NEW YORK, NY 10022

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August 7, 2000

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VIA HAND DELIVERY

Magalie Roman Salas
Commission Secretary
Federal Communications Commission
Portals II
445 12th Street, S.W., Suite TW-A325
Washington, D.C. 20554

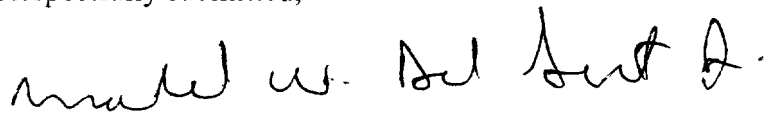
Re: **File No. NSD-L-00-95; CC Docket 96-98;**
Comments of RCN Telecom Services, Inc.

Dear Secretary Salas:

On behalf of RCN Telecom Services, Inc. ("RCN"), enclosed please find an original and four (4) copies of RCN's comments in the above-referenced docket. Please date stamp and return the enclosed extra copy. Concurrent with this filing, RCN is submitting two (2) copies of its comments to the Network Services Division.

Should you have any questions with respect to this matter, please do not hesitate to call Ron Del Sesto at (202) 945-6923.

Respectfully submitted,



Ronald W. Del Sesto, Jr.

Enclosure

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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OFFICE OF THE SECRETARY

In the Matter of)	
)	File No. NSD-L-00-95
New Jersey Board of Public Utilities)	
Petition for Delegated Authority to)	
Implement Number Conservation)	CC Docket No. 96-98
Measures)	

**COMMENTS OF
RCN TELECOM SERVICES, INC.**

RCN Telecom Services, Inc. ("RCN") by undersigned counsel and pursuant to the Common Carrier Bureau's July 7, 2000 Public Notice,¹ submits its Comments in the above-captioned proceeding.

I. Introduction

As a provider of telecommunications services in the State of New Jersey, RCN is well aware of the problems caused by number exhaust. RCN is dependent upon access to numbering resources both to initiate and expand its services offerings. RCN's ability to compete effectively for new customers, and to continue to serve the needs of existing customers in an efficient and cost effective manner, is wholly dependent upon its ability to obtain non-discriminatory and timely access to numbering resources. As a result, RCN is acutely aware of the effects of the number shortages now being experienced in New Jersey.

¹ *Common Carrier Bureau Seeks Comment on the New Jersey Board of Public Utilities Petition for Delegated Authority to Implement Number Conservation Measures*, NSD File No. L-00-95, Public Notice, DA 00-1508 (rel. July 7, 2000).

RCN supports the efforts of the New Jersey Board of Public Utilities (“Board”) to address the problem of number exhaust. RCN expects that the Federal Communications Commission (“FCC”) will grant additional delegated authority to the Board that is consistent with its prior orders issued in response to petitions filed by numerous other state commissions.² While RCN does not support every aspect of the FCC’s prior orders, RCN will not repeat past arguments in this filing. Instead, RCN will focus on issues related to the implementation of number conservation measures by state commissions that have received delegated authority and suggest that the FCC tailor any grant of authority it provides to the Board to address some of the issues that have already arisen in other states. Further, RCN requests that the FCC require that the Board’s pooling trial conform to the national framework set out in the FCC’s *Number Resource Optimization Order*.

² See, e.g., *Connecticut Dept. of Pub. Util. Control Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *New Hampshire Pub. Utils. Comm’n Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *Petition of the Ohio Pub. Utils. Comm’n for Delegation of Additional Authority to Implement Number Conservation Measures* (rel. Nov. 30, 1999); *Petition of the Pub. Util. Comm’n of Texas for Expedited Decision for Authority to Implement Number Conservation Measure*, CC Docket No. 96-98 (rel. Nov. 30, 1999); *Petition of the Pub. Service Comm’n of Wisconsin for Delegation of Additional Number Conservation Measures* (rel. Nov. 30, 1999); *California Pub. Utils. Comm’n Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, CC Docket No. 96-98, FCC 99-248 (rel. Sept. 15, 1999) (“*California Delegation Order*”); *Florida Pub. Service Comm’n Petition to Federal Communications Comm’n for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-249 (rel. Sept. 15, 1999) (“*Florida Delegation Order*”); *Massachusetts Dept. of Telecom. and Energy’s Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, CC Docket No. 96-98, FCC 99-246 (rel. Sept. 15, 1999); *New York State Dept. of Pub. Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-247 (rel. Sept. 15, 1999) (“*New York Delegation Order*”); *Maine Pub. Utils. Comm’n Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-260 (rel. Sept. 28, 1999).

II. The FCC Should Clarify the Delegated Authority that State Commission's Possess in Expanding Pooling Trials

While the FCC has granted numerous state commissions the authority to engage in thousands block number pooling, RCN requests that the FCC clarify its delegation of authority in the expansion of pooling trials. In granting various state commissions authority to engage in thousands block number pooling trials, the FCC has also made clear that only after full implementation in one MSA may state commissions expand the trial to additional MSAs. Carriers must engage in various time consuming tasks in order to prepare for a number pooling trial. For carriers operating in multiple states that are also implementing number pooling trials, carriers must commit valuable resources to such efforts. The industry must be able to take all the necessary steps that are required for such implementation. It is impossible to predict the complications that will arise in each MSA as well as to forecast the demand for ported numbers. Some state commissions have interpreted the FCC's delegation of authority to mean that so long as a number pooling trial has been initiated in a certain MSA, they may then expand the trial into another MSA before fully implementing the number pooling trial in the original MSA. Given the uncertainties of the pooling process, state commission must allow carriers time to prepare for number pooling and implement trials one MSA at a time.

RCN further requests that FCC direct state commissions reserve one 10,000 NXX block for facilities-based providers, that is, carriers that actually construct their networks as opposed to those that purchased unbundled network elements ("UNEs"). Carriers that engage in the construction of their own networks cannot use codes as quickly as those that rely on UNEs to provide service. Thus, such providers find themselves at a distinct disadvantage when attempting to acquire necessary numbering codes.

Finally, RCN requests that if the FCC grants the Board authority to implement number pooling trials then the FCC should require that the trial follow the national framework set out in the FCC's *Number Resource Optimization Order*. Since implementation of nationwide number pooling should occur within the next year, it would be a waste of time and money for carriers to have to transition from a pooling trial on the state level that is inconsistent with national standards.

III. The FCC Should Grant the New Jersey Board the Ability to Maintain Rationing Procedures Only if Certain Safeguards are Available to Carriers

Providing the Board with expanded authority to administer NXX code rationing efforts appears reasonable and even desirable.³ The Board is in the best position to judge when rationing will be needed and its impact upon competition in the local exchange market. RCN does not anticipate that an extension of rationing following the implementation of area code relief would cause undue harm to any carrier, although there should be safeguards in place to ensure that carriers are not forced to operate indefinitely under a rationing process.

Moreover, in light of the fact that the state commissions are often in the best position to determine the competitive implications of rationing, the FCC should provide the Board with the ability to revise the rationing procedures where it is reasonable and appropriate. The FCC should provide the Board with additional authority to hear and address the claims of carriers seeking additional NXX codes outside of the rationing plan. This would ensure that where a carrier can demonstrate some unusual, immediate need for a NXX code, it can obtain that code by seeking relief from the rationing process through the Board. In the interest of due process, however, the Commission should ensure that the Board has procedures in place to entertain and resolve on an

³ See *New Jersey Board Petition*, at 5.

expedited basis any protests to the award of a NXX code outside of the rationing procedure. As a precautionary measure, however, the Commission should make clear that if a carrier believes that the Board's revisions to the established industry rationing procedures are unjust or unreasonable, that carrier may seek expedited relief (on a 30-day basis) from the Common Carrier Bureau to stay or even vacate the proposed revisions to the rationing procedures.

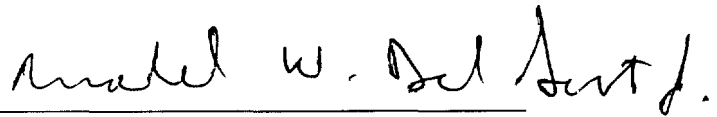
IV. The FCC Should Encourage the New Jersey Board to Implement Rate Center Consolidation

RCN respectfully requests that the FCC emphasize to the Board the importance of rate center consolidation ("RCC") as a number conservation measure and that the FCC recommend that the Board work with the industry to implement RCC as expeditiously as possible. As the FCC is aware, historically, telephone numbers were assigned on a NXX code basis and were associated with a particular switch. For call rating purposes, each switch was associated with a particular rate center and billing systems relied on the rate centers associated with a particular switch to determine whether the call is local or toll. Because carriers must obtain a NXX code for each rate center in which it provides service, the rate center structure exacerbates number exhaust. By combining rate centers, carriers would be able to use fewer NXX codes to provide service throughout their intended region resulting in reducing the demand for NXX codes, improving number utilization and prolonging the life of an area code. While thousands-block number pooling addresses the problem of assigning numbers in 10,000 blocks, it does nothing to alleviate the problems associated with the current rate center structure. Thus, if the Board were to only proceed with thousands-block number pooling, carriers would still have to acquire numbering resources in each rate center which would continue to impede number conservation.

V. Conclusion

For the reasons detailed in its prior filings in regard to various state petitions seeking additional delegated numbering authority, RCN respectfully asks that the FCC implement number pooling at the national level. Since the FCC has already granted a number of requests by other state commissions, RCN requests that the Commission focus on certain implementation issues that have caused carriers problems in other states. Thus, the Commission should clearly limit the authority to *fully* implement a number pooling trial in a particular MSA before expanding to a separate MSA. Further, the Commission should allow the Board to maintain rationing procedures for six months following area code relief only if certain safeguards are also put in place. Specifically, the Board should not be allowed to continue rationing numbering resources beyond six months. Further, the Board should be empowered to deviate from the rationing procedure if a carrier can demonstrate a special need for numbering resources. The FCC's Common Carrier Bureau should be able to review such revisions on an expedited basis and stay or vacate such revisions. Finally, the FCC should encourage the Board to work with the industry to implement RCC as soon as possible.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Russell M. Blau", is written over a horizontal line.

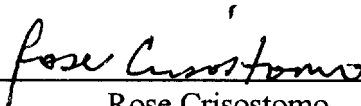
Joseph Kahl
RCN Telecom Services
105 Carnegie Center
Princeton, NJ 08540
(609) 734-7502 (Tel.)
(609) 734-6167 (Fax)

Russell M. Blau
Ronald W. Del Sesto, Jr
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
(202) 424-7500 (Tel.)
(202) 424-7645 (Fax)

Dated: August 7, 2000

CERTIFICATE OF SERVICE

I, Rose Crisostomo, hereby certify that on August 7, 2000 the foregoing document was served on the individuals listed on the following service list by first-class U.S. mail (or by overnight delivery/hand delivery, as marked*).


Rose Crisostomo

*HAND-DELIVERY

Magalie Roman Salas, Commission Secretary*
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Suite TW-A325
Washington, D.C. 20554

Jeanne Grimes*
Common Carrier Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Diane G. Harmon, Deputy Chief*
Common Carrier Bureau
Network Services Division
Federal Communications Commission
Suite 6-A207
445 12th Street, S.W.
Washington, D.C. 20554

Yog R. Varma, Deputy Chief*
Common Carrier Bureau
Federal Communications Commission
Suite 500H
445 12th Street, S.W.
Washington, D.C. 20554

International Transcription Service*
1231 20th Street, N.W.
Washington, D.C. 20054

Lawrence E. Strickling, Chief*
Common Carrier Bureau
Federal Communications Commission
Suite 500H
445 12th Street, S.W.
Washington, D.C. 20554

L. Charles Keller, Chief*
Common Carrier Bureau
Network Services Division
Federal Communications Commission
Suite 6-A207
445 12th Street, S.W.
Washington, D.C. 20554

Michael F. Altschul
Randall S. Coleman
Lolita D. Smith
Cellular Telecommunications Industry Association
Suite 800
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

Peter Arth, Jr.
Lionel B. Wilson
Helen M. Mickiewicz
Attorneys for the Public Utilities Commission
State of California
505 Van Ness Avenue
San Francisco, CA 94102

Maryland Office of People's Counsel
6 St. Paul Street
Suite 2102
Baltimore, MD 21202-6806

Carol Ann Bischoff
Terry Monroe
Competitive Telecommunications Association
1900 M Street, N.W., Suite 800
Washington, D.C. 20036

Michael A. Sullivan
15 Spencer
Somerville, MA 02144

E. Barclay Jackson
New Hampshire Public Utilities Commission
8 Old Suncook Road
Concord, NH 03301

Gary Crabtree
Belton School District #124
Director Finance/Support Services
110 W. Walnut
Belton, MO 64012

Kathryn Marie Krause
Eldridge A. Stafford
US West Communications, Inc.
1020 19th Street., N.W., Suite 700
Washington, D.C. 20036

Norman D. Cunningham
Assistant Superintendent, Support Services
Cypress-Fairbanks Independent School District
12510 Windfern Road
Houston, TX 77064-3108

Maine Public Advocate
State House Station 112
Augusta, ME 04333

Jay C. Keithley
Attorney for Sprint Corporation
401 9th Street, N.W., Suite 400
Washington, D.C. 20004

Jack A. Holzer
Communications Services Manager
Johnson County Sheriff's Office
125 North Cherry Street
Olathe, KS 66061

Emprise Bank
3900 W Central Avenue
Wichita, KS 67203-4987

Howard J. Symons
Sara F. Seidman
Amy L. Bushyeager
Counsel for AT&T Corp.
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC
701 Pennsylvania Avenue, NW, Ste 900
Washington, D.C. 20004

Sandra K. Williams
Attorney for Sprint Corporation
6360 Spring Parkway
Mailstop: KSOPHE0302-3D203
Overland Park, KS 66251

Lisa L. karstetter
Programmer/Telecom Analyst
City of Olathe, Kansas
P.O. Box 178
100 West Santa Fe Drive
Olathe, KS 66061

R. Gregg Reep, Mayor
The City of Warren
P.O. Box 352
Warren, Arkansas 71671

Florida Office of Public Counsel
c/o Florida Legislature
111 West Madison Street, #812
Tallahassee, FL 32399-1400

J.G. Harrington
Laura Roecklein
Counsel for Cox Communications, Inc.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Ave, N.W.
Ste 800
Washington, D.C. 20036

Susan M. Eid
Richard A. Karre
MediaOne Group, Inc.
1919 Pennsylvania Ave, N.W., Ste 610
Washington, D.C. 20006

Jean Dols
Interim C.I.O.
Harris County Hospital District
P.O. Box 66769
Houston, Texas 77266

Indiana Office of Utility Consumer Counsel
100 N. Senate Avenue, Room N501
Indianapolis, IN 46204-2215

George N. Barclay
Michael J. Ettner
General Services Administration
1800 F Street, N.W., Room 4002
Washington, D.C. 20405

John M. Goodman
Attorney for Bell Atlantic
1300 I Street, N.W., Suite 400 West
Washington, D.C. 20005

Lawrence G. Malone
Public Service Commission of the State of New York
Three Empire State Plaza
Albany, NY 12223-1350

John W. Hunter
Lawrence E. Sarjeant
Linda L. Kent
Julie E. Rones
Keith Townsend
United States Telecom Association
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

Jennifer Fagan
Office of Regulatory Affairs
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, TX 78711

John F. Raposa
GTE Service Corporation
600 Hidden Ridge, HQE03J27
P.O. Box 152092
Irving, TX 75015

Texas Office of Public Utility Counsel
1701 North Congress Avenue., Ste 9-180
P.O. Box 78701
Austin, TX 78701

M. Susan Savage, Mayor
Office of the Mayor
City of Tulsa
200 Civic Center
Tulsa, Oklahoma 74103

David Cosson
John Kuykendall
Council for Rural Independent Competitive Alliance
Kraskin, Lesse & Cosson, LLP
2120 L Street, N.W., Ste. 520
Washington, D.C. 20037

Louise M. Tucker
Telcordia Technologies, Inc.
2020 K Street, N.W., Ste 400
Washington, D.C. 20006

James T. Hannon
Counsel for US West Communications, Inc.
Suite 700
1020 19th Street, N.W., Ste 700
Washington, D.C. 20036

Joseph Assenzo
Sprint PCS
4900 Main Street, 11th Floor
Kansas City, MO 64112

Judith St. Ledger-Roty
Todd D. Daubert
Jennifer Kashatus
Council for Personal Communications Industry
Assoc.
Kelley Drye & Warren LLP
1200 19th Street, Ste 500
Washington, D.C. 20036

Sue Frank, Mayor
Raytown
10000 East 59th Street
Raytown, MO 64133

John S. DiBene
Roger K. Toppins
Alfred G. Richter, Jr.
Attorneys for SBC Communications, Inc.
1401 I Street, N.W., Ste 1100
Washington, D.C. 20005

Michael S. Slomin
Telcordia Technologies, Inc.
445 South Street, MCC-1J130R
Morristown, NJ 07960

Leon Kestenbaum
Counsel for Sprint
401 9th Street, N.W., Suite 400
Washington, D.C. 20004

Henry G. Hultquist
Mary De Luca
Chuck Goldfarb
Mark T. Bryant
MCI WorldCom, Inc.
1801 Pennsylvania Avenue., N.W.
Washington, D.C. 20006

James S. Blaszak
Counsel for Ad Hoc Telecommunications
Users Committee
Levine, Blaszak, Block & Boothsby LLP
2001 L Street, N.W., Ste 900
Washington, D.C. 20036

Mark C. Rosenblum
Roy E. Hoffinger
James H. Bolin, Jr.
AT&T Corporation
295 North Maple Avenue
Room 1130M1
Basking Ridge, NJ 07920

Marlene L. Johnson
Chairperson
District of Columbia Public Service Commission
717 14th Street, N.W.
Washington, D.C. 20005

James Bradford Ramsay
National Association of Regulatory
Utility Commissioners
1101 Vermont Avenue, N.W., Suite 200
Washington, D.C. 20005

Michael B. Adams, Jr.
Benjamin H. Dickens, Jr.
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, D.C. 20037

Jonathan M. Chambers
Vice President-Federal Regulatory Affairs
Sprint PCS
401 9th Street, N.W., Suite 400
Washington, D.C. 20004

Peggy Arvanitas
P.O. Box 8787
Seminole, FL 33705

Teya M. Penniman
Attorneys for Oregon Public Utility Commission
Room 330
550 Capitol Street, N.E.
Salem, OR 97310-1380

Jonathan M. Askin
Teresa K. Gaugler
Association for Local Telecommunications Services
888 17th Street, N.W., Ste 900
Washington, D.C. 20006

Richard Askoff
Joe A. Douglas
National Exchange Carriers Association, Inc.
80 South Jefferson Road
Whippany, NJ 07981

Pennsylvania Office of Consumer Advocate
555 Walnut Street
54th Floor, Forum Place
Harrisburg, PA 17101

Jonathan E. Canis
Todd D. Daubert
Counsel for 2nd Century Communications, LLP
Kelley, Drye & Warren LLP
1200 19th Street, N.W., Ste 500
Washington, D.C. 20036

Robert J. Aamoth
Todd D. Daubert
Attorneys for Competitive Telecommunications
Association
Kelley, Drye & Warren LLP
1200 19th Street, N.W., Ste 500
Washington, D.C. 20036

Missouri Office of Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Robert L. Hoggarth
Harold Salters
Personal Communications Industry Association
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561

Cynthia B. Miller
Bureau of Intergovernmental Liaison
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Joel H. Cheskis
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101

John T. Scott, III
Vice President and Deputy General Counsel
Regulatory Law
Verizon Wireless
1001 Pennsylvania Ave, N.W.
Washington, D.C. 20004

Robert Foosaner
Lawrence R. Krevor
Laura L. Holloway
James B. Goldstein
Nextel Communications, Inc.
2001 Edmund Halley Drive
Reston, VA 20191

Marc D. Poston
Missouri Public Service Commission
301 West High Street, Room 750
Jefferson City, MO 65101

The Office of People's Counsel
District of Columbia
1133 15th Street, N.W., Suite 500
Washington, D.C. 20005

Andre J. Lachance
GTE Service Corporation
1850 M Street, N.W.
Washington, D.C. 20036

L. Marie Guillory
Daniel Mitchell
National Telephone Cooperative Association
4121 Wilson Blvd., 10th Floor
Arlington, VA 22203

Elizabeth H. Liebschutz
State of New York Dept. of Public Service
Three Empire State Plaza
Albany, NY 12223

Brian Thomas O'Connor
Robert A. Calaff
Vicestream Wireless Corporation
1300 Pennsylvania Avenue, N.W., Ste 700
Washington, D.C. 20004

The Utility Reform Network
711 Van Ness Avenue, Suite 350
San Francisco, CA 94102

Trina Bragdon, Esq.
Maine Public Utilities Commission
242 State Street
State House Station 18
Augusta, ME 04333

James D. Mullins
Emergency Medical Services Authority
1417 North Lansing Avenue
Tulsa, OK 74106

Richard W. Rindler
Jeanne W. Stockman
Counsel for Allegiance Telecom, Inc.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007

James U. Troup
Robert H. Jackson
Attorneys for Iowa Telecommunications Services,
Inc.
Arter & Hadden LLP
1801 K Street, N.W., Ste 400K
Washington, D.C. 20006-1301

Deanne M. Brutts
Frank B. Wilmarth
Bohdan R. Pankiw
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

Russell C. Merbeth
Daniel F. Gonos
Winstar Communications, Inc.
1146 19th Street, N.W.
Washington, D.C. 20036

Douglas I. Brandon
AT&T Wireless Services, Inc.
1150 Connecticut Avenue, N.W., Ste 400
Washington, D.C. 20036

Lawrence Ausubel, Co-President
Peter Cramton, Chairman
Paul Milgrom, Co-President
Counsel for Maine Public Utilities Commission
Spectrum Exchange Group, LLC
2920 Garfield Terrace N.W.
Washington, D.C. 20008

Cheryl A. Tritt
Frank W. Krogh
Counsel for NeuStar, Inc.
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006-1888

California Office of Ratepayers Advocates
505 Van Ness Avenue, Room 4202
San Francisco, CA 94102

Daniel Gonzalez
R. Gerard Salemme
Esther Northrup
Nextlink Communications, Inc.
1730 Rhode Island Ave, N.W.
Suite 1000
Washington, D.C 20036

Richard W. Rindler
Ronald W. Del Sesto, Jr., Esq.
Counsel for RCN Telecom Services, Inc.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007

Charles Ghini
Deputy Chief Information Officer
State Technology Officer
Florida Department Management Services
4030 Esplanade Way, Suite 180
Tallahassee, FL 32399-0950

Brian Conboy
Thomas Jones
Counsel for Time Warner Telecom
Willkie Farr & Gallagher
Three Lafayette Center
1155 21st Street, N.W.
Washington, D.C. 20036

Daniel M. Waggoner
Robert S. Tanner
Dale Dixon
Davis Wright Tremaine, LLP
1500 K Street, N.W.
Washington, D.C. 20005

Marsha N. Cohan
Professor of Law
Hastings College of Law
University of California
200 McAllister Street
San Francisco, CA 94102